

United States District Court
Central District of California

Kieren Kishnani,

Plaintiff,

v.

BB OpCo, LLC et al.,

Defendants.

Case № 2:24-cv-09629-ODW (JCx)

**ORDER DENYING MOTION TO
DISMISS AS MOOT [17]**

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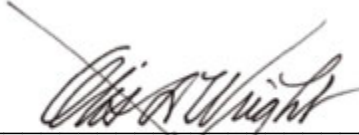
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1 Defendant BB OpCo, LLC served Plaintiff Kieren Kishnani with a Federal Rule
2 of Civil Procedure 12(b)(1) and 12(b)(6) motion to dismiss in this case on January 10,
3 2025. (ECF No. 17.) On January 16, 2025, Plaintiff filed a First Amended
4 Complaint. Federal Rule of Civil Procedure 15(a)(1) allows plaintiffs to file an
5 amended complaint once as a matter of course within twenty-one days of service of a
6 Rule 12(b) motion. Therefore, Plaintiff's amended complaint was proper. As the
7 pending motion to dismiss was based on a complaint that is no longer operative, the
8 motion is **DENIED** as **MOOT**. *See Ramirez v. County of San Bernardino*, 806 F.3d
9 1002, 1008 (9th Cir. 2015).

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11 **IT IS SO ORDERED.**

12 January 17, 2025

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15 **OTIS D. WRIGHT, II**
16 **UNITED STATES DISTRICT JUDGE**
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